

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

JOHN JOSEPH BENGIS, an individual,	:	X
	:	
Plaintiff,	:	08 CV 4237 (JSR)
v.	:	
	:	ECF CASE
RICHARD MOSS, ESQ., an individual, and	:	
KRAMER LEVIN NAFTALIS & FRANKEL LLP,	:	<b>NOTICE OF MOTION</b>
	:	
Defendants.	:	

X

PLEASE TAKE NOTICE that upon the Declaration of Thomas H. Moreland, sworn to June 12, 2008, and the accompanying memorandum of law, defendants Richard Moss, Esq., and Kramer Levin Naftalis & Frankel LLP will move this Court, before the Honorable Jed S. Rakoff, at the United States Court House, 500 Pearl Street, New York, New York 10007, room 14B, on July 22, 2008 at 11:00 AM, for an Order, pursuant to Rule 12(b)(6) of the Federal Rules of Civil Procedure, dismissing the Complaint with prejudice as barred by the three-year statute of limitations provided by New York Civil Practice Law and Rules § 214.6. Pursuant to counsel's discussion with chambers on May 27, 2008, plaintiff's response papers are due on July 3, 2008; defendants' reply is due on July 10, 2008.

Dated: New York, New York  
June 13, 2008

KRAMER LEVIN NAFTALIS & FRANKEL LLP

/s/ Thomas H. Moreland

Thomas H. Moreland (TM-3927)  
1177 Avenue of the Americas  
New York, New York 10036  
(212) 715-9100  
Attorneys for Defendants

To: Panagiota Betty Tufariello, Esq.  
Intellectulaw, The Law Offices of P.B. Tufariello, P.C.  
25 Little Harbor Road  
Mt. Sinai, New York 11766  
Attorney for Plaintiff